

CLAIMS

Claim 1-21 (canceled)

Claim 22 (previously presented): A method of providing content data to a viewer of a media presentation in conjunction with the media presentation, comprising:

providing a viewer of the media presentation with a portable device, the portable device being remote from the presentation of the media presentation and capable of receiving wireless communications and displaying content data relating to the media presentation;

transmitting content data to the portable device;

accumulating content data in the cache memory of the portable device;

transmitting at least one time prompt to the portable device, the time prompt triggering the content data to be displayed on the portable device such that the content data is displayed in synchronization with the presentation of a corresponding portion of the media presentation; and displaying the content data on the portable device.

Claim 23 (previously presented): The method of claim 22 wherein the at least one time prompt is transmitted by way of infrared signal.

Claim 24 (previously presented): The method of claim 22 wherein the content data is transmitted by way of radio frequency signal.

Claim 25 (previously presented): The method of claim 22 wherein the media presentation data comprises a combination of audio and video data.

Claim 26 (previously presented): The method of claim 22 wherein the media presentation data is audio data.

Claim 27 (previously presented): The method of claim 22 wherein the media presentation data is video data.

Claim 28 (previously presented): The method of claim 22 wherein the content data comprises a combination of audio and video data.

Claim 29 (previously presented): The method of claim 22 wherein the content data comprises text.

Claim 30 (previously presented): The method of claim 22 wherein the content data comprises audio.

Claim 31 (previously presented): The method of claim 22 wherein the content data comprises video.

Claim 32 (previously presented): The method of claim 22 wherein the content data comprises graphics.

Claim 33 (currently amended): The method of claim 22 wherein the at least one time prompt is representative of a time of day.

Claim 34 (currently amended): The method of claim 22 wherein the at least one time prompt is representative of a time at which the media presentation starts.

Claim 35 (previously presented): The method of claim 22 wherein the portable device comprises speakers.

Claim 36 (previously presented): The method of claim 22 wherein the portable device comprises a display.

Claim 37 (previously presented): The method of claim 22 wherein the portable device is a personal digital assistant.

Claim 38 (previously presented): The method of claim 22 wherein the portable device is a cellular phone.

Claim 39 (previously presented): The method of claim 22 wherein the media presentation is a pre-recorded presentation.

Claim 40 (previously presented): The method of claim 39 wherein the pre-recorded presentation is a movie.

Claim 41 (previously presented): The method of claim 39 wherein the pre-recorded presentation is a movie and the content data is text captioning.

Claim 42 (previously presented): The method of claim 39 wherein the pre-recorded presentation is a movie and the content data comprises descriptive audio for the blind.

Claim 43 (previously presented): The method of claim 22 wherein the content data is a visual narrative, the visual narrative being displayed in one of a plurality of languages.

Claim 44 (previously presented): The method of claim 22 wherein the content data is an audio narrative, the audio narrative being played in one of a plurality of languages.

Claim 45 (canceled)

Claim 46 (previously presented): A method of interactive communication during a media presentation, comprising:

- presenting the media presentation at a first location using media presentation data, the media presentation data having at least one time code associated with the media presentation data;

- providing a viewer of the media presentation with a portable device, the viewer being located at a second location remote from first location;

- transmitting the media presentation data to the portable device and caching the media presentation data in a memory;

- while the media presentation is being presented, detecting one of the at least one time code associated with the media presentation data;

determining when the media presentation data should be displayed based on the contents of the at least one time code;

displaying the media presentation data on the portable device in relative synchronization with the presentation of a corresponding portion of the media presentation.

Claim 47 (previously presented): A method of providing content data to a viewer of a media presentation in conjunction with the media presentation, comprising:

providing a viewer of the media presentation with a portable device, the portable device comprising at least two, the portable device-capable of presenting content data relating to the media presentation to the viewer in conjunction with the media presentation;

transmitting the content data to the portable device using first receiver signals at the start or slightly in advance of the start of the media presentation;

accumulating content data in a cache memory of the portable device;

transmitting at least one message to the portable device using second receiver signals, the at least one message a time when the content data should be presented on the portable device such that the content data and a corresponding portion of media presentation are displayed in synchronization; and

presenting the data on the portable device to the viewer in synchronization with the media presentation.

Claim 48 (previously presented): A method of providing content data to a viewer of a media presentation in conjunction with the media presentation, comprising:

providing a viewer of the media presentation with a portable device, the portable device comprising at least two receivers, the portable device being capable of displaying content data relating to the media presentation;

transmitting the content data to the portable device using first receiver signals;

accumulating content data in the cache memory of the portable device;

transmitting at least one time prompt to the portable device using second receiver signals, the time prompt identifying a time when the content data should be displayed on the portable

device such that the content data and a corresponding portion of media presentation are displayed in synchronization; and

executing the content data on the portable device in synchronization with the media presentation.

Claim 49 (previously presented): The method of claim 48 further providing inputs on the portable device adapted to receive information from the viewer.

Claim 50 (previously presented): The method of claim 48 wherein the at least two receivers are an infrared receiver and a radio frequency receiver.

Claim 51 (previously presented): The method of claim 48 wherein the portable device further comprises at least a transceiver.

Claim 52 (previously presented): The method of claim 48 wherein the time prompt further identifies the content data to be presented at the portable device.

Claim 53 (previously presented): The method of claim 48 wherein content data is transmitted to the portable device at the start or slightly in advance of the start of the media presentation.

Claim 54 (previously presented): A method of providing a viewer of a first media content with a second media content, comprising:

providing the viewer of the first media content with a portable device, the portable device being remote from a display of the first media content, the portable device being capable of receiving wireless communication and displaying the second media content;

transmitting the second media content to the portable device;

transmitting a time prompt to the portable device, the time prompt triggering a display of the second media content on the portable device such that the second media content and a portion of the first media content are displayed in synchronization; and

displaying the second media content on the portable device at a time indicated by the time prompt.

Claim 55 (previously presented): The method of claim 54 further providing inputs on the portable device adapted to receive information from the viewer.

Claim 56 (previously presented): The method of claim 54 further comprising accumulating the second media content in cache memory of the portable device.

Claim 57 (previously presented): The method of claim 54 wherein second media content is transmitted to the portable device at the start or slightly in advance of the start of the first media content.

Claim 58 (previously presented): The method of claim 54 wherein the first media content is live.

Claim 59 (previously presented): A method of providing a viewer of a first media content with a second media content, comprising:

providing the viewer of the first media content with a portable device, the portable device being remote from a display of the first media content, the portable device being capable of receiving wireless communication and displaying the second media content, the second media content being different from the first media content, the second media content being associated with a portion of the first media content;

transmitting the second media content to the portable device;

transmitting a time prompt to the portable device, the time prompt triggering a display of the second media content on the portable device such that the second media content and the portion of the first media content are displayed in synchronization; and

displaying the second media content on the portable device at a time indicated by the time prompt.

Claim 60 (previously presented): The method of claim 59 further providing inputs on the portable device adapted to receive information from the viewer.

Claim 61 (previously presented): The method of claim 59 wherein the first media content is live.

Claim 62 (previously presented): The method of claim 59 further comprising accumulating the second media content in cache memory of the portable device.

Claim 63 (previously presented): The method of claim 59 wherein the second media content is related in content with a portion of the first media content.

Claim 64 (previously presented): The method of claim 59 wherein second media content is transmitted to the portable device at the start or slightly in advance of the start of the first media content.

Claim 65 (previously presented): A method of providing a viewer of a first media content with a second media content, comprising:

- providing the viewer of the first media content with a portable device, the portable device being remote from a display of the first media content, the portable device being capable of receiving wireless communication and displaying the second media content;

- transmitting the second media content to the portable device;

- transmitting a time prompt to the portable device, the time prompt triggering a display of the second media content on the portable device such that the second media content and a portion of the first media content are displayed in synchronization;

- displaying the second media content on the portable device at a time indicated by the time prompt; and

- providing inputs on the portable device adapted to receive information from the viewer.

Claim 66 (previously presented): The method of claim 65 wherein the first media content is live.

Claim 67 (previously presented): The method of claim 65 further comprising accumulating the second media content in cache memory of the portable device.

Claim 68 (previously presented): The method of claim 65 wherein second media content is transmitted to the portable device at the start or slightly in advance of the start of the first media content.

Claim 69 (previously presented): The method of claim 22 wherein the media presentation is live.

Claim 70 (previously presented): The method of claim 22 wherein content data is transmitted to the portable device at the start or slightly in advance of the start of the media presentation.

Claim 71 (previously presented): The method of claim 22 further providing inputs on the portable device adapted to receive information from the viewer.

Claim 72 (previously presented): The method of claim 46 further comprising determining what portion of the media presentation data should be displayed based on the contents of the at least one time code.

Claim 73 (previously presented): The method of claim 46 further providing inputs on the portable device adapted to receive information from the viewer.

Claim 74 (previously presented): The method of claim 46 wherein media presentation data is transmitted to the portable device at the start or slightly in advance of the start of the media presentation.

Claim 75 (previously presented): The method of claim 47 further providing inputs on the portable device adapted to receive information from the viewer.

Claim 76 (previously presented): The method of claim 47 wherein the at least two receivers are an infrared receiver and a radio frequency receiver.

Claim 77 (previously presented): The method of claim 47 wherein the portable device further comprises at least a transceiver.

Claim 78 (previously presented): The method of claim 47 wherein the at least one message further identifies the content data to be presented at the portable device.

Claim 79 (previously presented): The method of claim 47 wherein content data is transmitted to the portable device at the start or slightly in advance of the start of the media presentation.

RESPONSE TO REJECTIONS AND OBJECTIONS

The Office Action issued by the Examiner on July 10, 2006 and the citations referred to in the Office Action have been carefully considered.

Claim 45 has been canceled without prejudice or disclaimer.

Claims 20-44 and 46-79 are currently pending.

Priority and Claim Rejection under 35 U.S.C. § 112

Claim 45 has been canceled, and therefore the priority claim objection and the 35 U.S.C. § 112 rejection are now moot as to claim 45.

Double Patenting

The Examiner has rejected claims 22-79 over claims 1-2, 16-18, 21-22, and 30-32 of U.S. Patent No. 6,785,539 on the ground of non-statutory obviousness-type double patenting. Applicants reiterate that upon an indication of allowable subject matter for the claims in their present form, Applicants intend on providing a terminal disclaimer to obviate the obviousness-type double patenting rejection.

Rejections under 35 U.S.C. § 102(e)

The Examiner rejected claims 22, 24-34, 36-44, 46-49, 52-75, and 78-79 under 35 U.S.C. § 102(e) over U.S. Published Patent Application No. 2004/0044532 to Karstens (“Karstens”). Applicants submit that Karstens is not prior art because Applicants invented the claimed invention prior to September 3, 2002, the filing date of the Karstens patent application.

Applicants submit herewith a declaration under 37 C.F.R. § 1.131 (“131 Declaration”). The 131 Declaration provided by Greg B. Hale, Phu Nguyen, and William G. Wiedefeld establishes conception of the invention before the filing date of Karstens and diligence at least up until the constructive reduction to practice of the filing of U.S. Provisional Application Serial Number 60/421,255 on October 25, 2002.

Conception

In the Office Action, the Examiner states that there is insufficient evidence to establish conception of claim 45. As previously stated, claim 45 has been canceled, and therefore the Examiner's indication that the 131 Declaration does not overcome the Karstens reference is now moot. Applicants submit that the 131 Declaration establishes conception of Claims 22-44, and 46-79.

With respect to claim 22, Figure 1 in Exhibit A, which is referenced in paragraph 5 of the 131 Declaration, illustrates a viewer of a media presentation that is provided with a portable device. See Exhibit A, Figure 1. Further, the portable device is illustrated as being remote from the presentation of the media presentation. In addition, a notation in proximity to the portable device of Figure 1 indicates that the portable device can "receive/send IR messages," likewise as seen in Figure 2 the portable device can "receive/transmit RF messages." Further, paragraph IV of the patent disclosure, which is referenced in paragraph 6 of the 131 declaration, discusses a portable device for displaying information in synchronization with the presentation. See Exhibit B, paragraph IV. Accordingly, the patent disclosure and the figures depict "providing a viewer of the media presentation with a portable device, the portable device being remote from the presentation of the media presentation and capable of receiving wireless communications and displaying content data relating to the media presentation."

In addition, paragraph I of the patent disclosure discusses transmitting the content to the portable device. See Exhibit B, Paragraph 1. Therefore, the patent disclosure provides for "transmitting content data to the portable device."

The patent disclosure also explains that the portable device has a memory for storing the content data. See Exhibit B, paragraph V, subparagraph 4. Accordingly, the patent disclosure provides for "accumulating content data in the cache memory of the portable device."

Further, the patent disclosure explains how the portable device receives an IR or RF signal that can be converted to data to be stored and/or displayed in synchronization with a

presentation. See Exhibit B, paragraph V, subparagraph 4. Therefore, the patent disclosure provides for “transmitting at least one time prompt to the portable device, the time prompt triggering the content data to be displayed on the portable device such that the content data is displayed in synchronization with the presentation of a corresponding portion of the media presentation.”

In addition, paragraph VI of the patent disclosure, which is referenced in paragraph 6 of the 131 declaration, discusses a portable device for displaying data. See Exhibit B, paragraph VI. Accordingly, the patent disclosure provides for “displaying the content data on the portable device.”

Therefore, the elements of claim 22 are clearly set out in the evidence supporting conception.

Diligence

The Office Action states that the evidence submitted is insufficient to establish diligence from a data prior to the date of reduction to practice of the Karstens reference to either a constructive reduction to practice or an actual reduction to practice. The Office Action further points out that the critical period for continued diligence is the period between September 3, 2002 and October 24, 2002 for claims 22-44 and 46-79, and September 3, 2002 and October 24, 2003 for claim 45. Claim 45 has been canceled and therefore proof of continued diligence is now moot as to claim 45.

With respect to claims 22-44 and 46-79, Applicants have provided evidence attached to the 131 Declaration that demonstrates the diligent effort to pursue development of the invention during the period of September 3, 2002 and October 24, 2002.

In particular, Exhibit C, which is referenced in paragraph 8 of the 131 Declaration, provides a communication dated September 19, 2002, indicative of work in progress regarding the preparation of a draft of a provisional patent application.

Exhibit D, which is referenced in paragraph 9 of the 131 Declaration, provides a four-part communication and attachment dated October 14, 2002, indicative of work in progress regarding the preparation of a draft of a provisional patent application.

Exhibit E, which is referenced in paragraph 10 of the 131 Declaration, provides a four-part communication and attachment dated October 14, 2002, indicative of work in progress regarding the preparation of a draft of a provisional patent application.

Exhibit F, which is referenced in paragraph 11 of the 131 Declaration, provides a four-part communication and attachment dated October 14, 2002, indicative of work in progress regarding the preparation of a draft of a provisional patent application.

Exhibit G, which is referenced in paragraph 12 of the 131 Declaration, provides a four-part communication and attachment dated October 14, 2002, indicative of work in progress regarding the preparation of a draft of a provisional patent application. The attachment document shows a marked-up version of the patent application draft.

Exhibit H, which is referenced in paragraph 13 of the 131 Declaration, provides a communication and attachment dated October 23, 2002, indicative of work in progress regarding the preparation of a draft of a provisional patent application.

Exhibit I, which is referenced in paragraph 14 of the 131 Declaration, provides a communication and attachment dated October 23, 2002, indicative of work in progress regarding the preparation of a draft of a provisional patent application.

Accordingly, all of the above exhibits demonstrate that the inventors continued to work towards the constructive reduction to practice of patenting their invention. Applicants invented the elements set out in claim 22 prior to the filing date of Karstens and further were diligent in reducing the invention to practice. Applicants submit that the rejection of claim 22 should be withdrawn.

Claims 24-34, 36-44, and 69-71 all depend from claim 22. In view of Karstens not being prior art, Applicants submit that Karstens cannot anticipate claims that depend from claim 1. Therefore, Applicants submit that the rejection of claims 24-34, 36-44, and 69-71 should also be withdrawn.

With respect to claim 46, the conception and diligence materials discussed above also corroborate that Applicants invented the elements set out in claim 46 prior to the filing date of Karstens for the reasons discussed above. Therefore, Applicants submit that the rejection of claim 46 should be withdrawn.

Claims 72-74 depend from claim 46. In view of Karstens not being prior art, Applicants submit that Karstens cannot anticipate claims that depend from claim 46. Therefore, Applicants submit that the rejection of claims 72-74 should also be withdrawn.

Further, with respect to claim 47, the patent disclosure explains that the portable device can have infrared ports. See Exhibit B, paragraph V, subparagraph 4. Accordingly, the patent disclosure provides support for at least two receivers in the portable device. This support and the reasons discussed above corroborate that Applicants invented the elements set out in claim 47 prior to the filing date of Karstens. Therefore, Applicants submit that the rejection of claim 47 should be withdrawn.

Claims 75 and 79 depend from claim 47. In view of Karstens not being prior art, Applicants submit that Karstens cannot anticipate claims that depend from claim 47. Therefore, Applicants submit that the rejection of claims 75 and 79 should also be withdrawn.

In addition, with respect to claim 48, the conception and diligence materials discussed above also corroborate that Applicants invented the elements set out in claim 48 prior to the filing date of Karstens. Therefore, Applicants submit that the rejection of claim 48 should be withdrawn.

Claims 49 and 52-53 all depend from claim 48. In view of Karstens not being prior art, Applicants submit that Karstens cannot anticipate claims that depend from claim 48. Therefore, Applicants submit that the rejection of claims 49 and 52-53 also be withdrawn.

Further, with respect to claim 54, the conception and diligence materials discussed above also corroborate that Applicants invented the elements set out in claim 54 prior to the filing date of Karstens. Therefore, Applicants submit that the rejection of claim 54 should be withdrawn.

Claims 55-58 all depend from claim 54. In view of Karstens not being prior art, Applicants submit that Karstens cannot anticipate claims that depend from claim 54. Therefore, Applicants submit that the rejection of claims 55-58 should also be withdrawn.

Further, with respect to claim 59, the conception and diligence materials discussed above also corroborate that Applicants invented the elements set out in claim 59 prior to the filing date of Karstens. Therefore, Applicants submit that the rejection of claim 59 should be withdrawn.

Claims 60-64 all depend from claim 59. In view of Karstens not being prior art, Applicants submit that Karstens cannot anticipate claims that depend from claim 59. Therefore, Applicants submit that the rejection of claims 60-64 should also be withdrawn.

Further, with respect to claim 65, the patent disclosure explains that the portable device can be an interactive device. See Exhibit B, paragraph I. Accordingly, the patent disclosure provides support for “providing inputs on the portable device adapted to receive information from the viewer.” This support and the reasons discussed above corroborate that Applicants invented the elements set out in claim 65 prior to the filing date of Karstens. Therefore, Applicants submit that the rejection of claim 65 should be withdrawn.

Claims 66-74 and 78 all depend from claim 66. In view of Karstens not being prior art, Applicants submit that Karstens cannot anticipate claims that depend from claim 66. Therefore, Applicants submit that the rejection of claims 66-74 and 78 should also be withdrawn.

Claim Rejections of claims 35, 51, and 77 under 35 U.S.C. § 103(a)

The Examiner rejected claims 35, 45, 51, and 77 under 35 U.S.C. § 103(a) over Karstens. Claim 45 has been canceled and therefore the rejection as to claim 45 is now moot. Claim 35 depends from independent claim 22. Accordingly, Applicants submit that the rejections for claim 35 should be withdrawn because Karstens is not prior art in view of the 131 declaration discussed above with respect to independent claim 22.

Further, claim 51 depends from independent claim 48. Applicants submit that the rejection for claim 51 should be withdrawn because Karstens is not prior art in view of the 131 declaration discussed above with respect to independent claim 48.

Further, claim 77 depends from independent claim 47. Applicants submit that the rejection for claim 77 should be withdrawn because Karstens is not prior art in view of the 131 declaration discussed above with respect to independent claim 47.

Claim Rejections of claims 23, 50, and 76 under 35 U.S.C. § 103(a)

The Examiner rejected claims 23, 50, and 76 under 35 U.S.C. § 103(a) over Karstens in view of IR and RF being utilized to transmit data to devices. Claim 23 depends from independent claim 22. Accordingly, Applicants submit that the rejection for claim 23 should be withdrawn because Karstens is not prior art in view of the 131 declaration discussed above with respect to independent claim 22.

Further, claim 50 depends from independent claim 48. Applicants submit that the rejection for claim 50 should be withdrawn because Karstens is not prior art in view of the 131 declaration discussed above with respect to independent claim 48.

Further, claim 76 depends from independent claim 47. Applicants submit that the rejection for claim 76 should be withdrawn because Karstens is not prior art in view of the 131 declaration discussed above with respect to independent claim 47.

CONCLUSION

It is respectfully submitted that all of the Examiner's objections have been successfully traversed and that the application is now in order for allowance. Accordingly, reconsideration of the application and allowance thereof is courteously requested.